(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 1560 of 2007

Petitioner		Smt. Radha Bai, D/o Mantri Das, Aged about – 22 years, R/o Village – Sukwapara, Gram Panchayat Mandlatola, Tahsil – Kawardha, Distt. – Kabirdham (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh, Through:- The Secretary, Panchayat and Social Welfare Department, D. K .S. Bhawan, Raipur (CG)
	2.	Collector, Distt.- Kabirdham (C.G.).
	3.	The Additional Collector, Distt.- Kabirdham (C.G.)
	4.	The Project Officer, Integrated Child Development, Block – Bodla, Distt.- Kabirdham (C.G.)
	5.	The Gram Panchayat, Mandlatola, Tahsil Kawardha, Distt.- Kabirdham (C.G.)
	6.	The Secretary, Gram Panchayat Mandlatola, Tahsil Kawardha, Distt.- Kabirdham (C.G.)
	7.	Smt. Rekha Bai, W/o. Ramanuj Satnami, R/o. Village Sukwapara, Tahsil Kawardha, Distt.- Kabirdham (C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri P. R. Patankar, Advocate for the petitioner.

Miss Sunita Jain, Panel Lawyer for the respondents No. 1 to 4.

ORDER

(Passed on this 19th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner has filed this petition under Article 226 of the Constitution of India challenging the order dated 30.12.2006 (Annexure P/8), passed by the Additional Collector, Kabirdham in Case No. 45-B/121/2006-07 (Rekha Bai Vs. Radha Bai).

2. Learned counsel appearing for the petitioner submits that the petitioner was appointed vide order dated 8.11.2006 (Annexure P/5) as Anganbadi Worker at village Panchayat Sukwapara, Block – Bodla, District – Kabirdham. Learned counsel further submits that the Additional Collector, Kabirdham vide impugned order dated 30.12.2006 has cancelled the appointment of the petitioner on the basis of the objection raised by the respondent No.7. It is

further contended that no opportunity of hearing was given to the petitioner when the petitioner is most affected person by the decision dated 30.12.2006, passed by the Additional Collector.

3. On perusal of the papers, it is found that the objector was heard in presence of the Project Officer but no notice was given to the petitioner. It is a clear case of violation of the principles of natural justice, as it is well settled principle of law that no adverse or prejudicial order be passed against a person without affording an opportunity of hearing to such person.
4. Learned counsel appearing for the respondents No. 1 to 4 submits that on perusal of all the papers, it appears that no notice was afforded to the petitioner.
5. In view of the foregoing, as a result, this petition is allowed and the order dated 30.12.2006 is set aside. The matter is remitted back to the Additional Collector, Kabirdham to hear the objection after giving proper opportunity of hearing to the petitioner and other affected persons, and decide the same in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Satish K.Agnihotri
Judge

Thakur